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**ROBERT LARRY EDER, JUSTIN WESLEY YAGER, and BRYAN D. RANDALL**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ROBERT LARRY EDER, JUSTIN  
WESLEY YAGER, and BRYAN D.  
RANDALL,  
Plaintiffs,  
v.  
L. RYAN BRODDRICK, Director,  
California Department of Fish and Game;  
MICHAEL FLORES, President, California  
Fish and Game Commission; et al.,  
Defendants.

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No. C-07-0206-JSW  
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)[**STIPULATED**] REQUEST BY THE  
PARTIES FOR ORDER OF STAY OF  
PROCEEDINGS  
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Pursuant to Civil L.R. 7-12, the parties, through their undersigned counsel, stipulate as follows:

1. This case involves a constitutional challenge to an agency action by members of the California Fish and Game Commission and the Director of the Department of Fish and Game agency, in their individual capacities, for damages and other relief under the U.S. Constitution and 42 U.S.C. § 1983:

2. Plaintiffs in this case have also filed a Petition for Administrative Mandamus Or  
Mandate and Complaint for Declaratory and Injunctive Relief in the Superior Court for the State  
of California, San Francisco County (Case No. 06-506862) against the California Fish and Game

Commission and its members and the Director of the Department of Fish and Game, in their official capacities, challenging the revocation of their State of California Dungeness crab permits;

3. The parties agree that the case of *Gilbertson v. Albright*, 381 F.3d 965 (9<sup>th</sup> Cir. 2004) provides the basis for application of *Younger* abstention principles to this Federal case in light of Plaintiffs pending state action and note that, in a prior case (Case No. C-06-06008 JSW), this Court entered a dismissal of an injunctive action involving the same parties on the basis of *Younger* abstention;

4. The parties further agree that the ruling in *Gilbertson v. Albright* requires this Court in this damages action to stay all further proceedings pending the outcome of the state action referenced in paragraph 2, above, until all state court proceedings are finished.

5. Therefore, the parties hereby stipulate and request that all further proceedings in this case be stayed pending further order of this Court.

Date: Feb. 23, 2007

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/s/ James P. Walsh  
James P. Walsh  
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505 Montgomery Street, Suite 800  
San Francisco, CA 94111  
Counsel for Plaintiffs

Date: Feb. 23, 2007

/s/ Peter K. Southworth  
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Counsel for Defendants

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

Date: February 28, 2007

Jeffrey S White  
Hon. Jeffrey S. White